THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.17892 of 2005

12-08-2005

Between:

St.Joseph's College of Education for Women, Guntur.

... PETITONER

AND

1.The Government of Andhra Pradesh, rep. By its Secretary, School Education Department, Secretariat, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.17892 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the respondents in not allowing the petitioner-Management to go ahead with the selection process as per the permission accorded by the competent authority for filling up three vacant posts.

According to the petitioner, the posts of Physical Directress, Lecturer in Telugu and Lecturer in English fell vacant due to retirement of existing incumbents. Therefore, it sought permission of the second respondent for filling up those vacancies. Thereafter, the second respondent issued proceedings dated 03.09.2003, 06.04.2004 and 02.07.2004 with reference to the above referred posts approving the proposals sent by the petitioner-Management. It is stated that the third respondent even fixed the date of Meeting of the Staff Selection Committee on 25.10.2004. However, before Meeting took place, by a telegraphic order issued by the respondent-authorities, the proceedings were stalled perhaps on the premise that the ban was imposed by the first respondent vide Memo dated 20.10.2004.

It is stated that even the second respondent, by proceedings dated 14.02.2005, recommended to the Government with reference to seven colleges including the petitioner's college for granting relaxation of the ban. However, the first respondent did not pass any orders. Therefore, the petitioner has come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner contended that as proposals have already been approved much prior to the date of ban imposed by the first respondent, the same has no

application and hence sought for appropriate orders.

Heard the learned counsel for the petitioner and the learned Government Pleader for Education.

Admittedly, for three vacant posts, the second respondent passed orders approving the proposals sent by the petitioner-Management. Though the date of Meeting of the Staff Selection Committee was fixed, by virtue of the communication of the third respondent, the proceedings were stalled.

As this Court has taken the view that the ban imposed by the Government vide Memo dated 20.10.2004 has no application with reference to the posts which fell vacant and where approvals were also granted prior to the said date of the ban for filling up the vacancies, the respondents are obligated to approve the selections made in pursuance of the approvals granted. In the circumstances, the third respondent's action in stalling further proceedings is not proper and not in accordance with the judgments of this Court.

Accordingly, the communication issued by the third respondent is set aside and the respondents are directed to allow the petitioner to go ahead with the selection process for filling up three vacant posts referred to above. The respondents are further directed to approve the selection list forwarded by the petitioner, if the selections are in accordance with law.

The writ petition is accordingly disposed of. No costs.

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12.08.2005

Note: Issue CC in two days.

(b/o)

VGB